

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

RICHARD TAXMAN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

COVIDIEN PLC, MEDTRONIC, INC.  
KALANI I LIMITED, MAKANI II  
LIMITED AVIATION ACQUISITIONS  
CO., INC., AVIATION MERGER SUB,  
LLC, JOSE E. ALMEIDA, JOY A.  
AMUNDSON, CRAIG ARNOLD,  
ROBERT H. BRUST, CHRISTOPHER J.  
COUGHLIN, RANDALL J. HOGAN, III,  
DENNIS H. REILLEY, STEPHEN H.  
RUSCKOWSKI and JOSEPH A.  
ZACCAGNINO,

Defendants.

Civil Action No.  
1:14-cv-12949-LTS

JOSEPH LIPOVICH, on Behalf of Himself  
and All Others Similarly Situated,  
Plaintiff,

v.

COVIDIEN PLC, JOSE E. ALMEIDA,  
CRAIG ARNOLD, ROBERT H. BRUST,  
CHRISTOPHER J. COUGHLIN,  
RANDALL J. HOGAN, III, JOSEPH A.  
ZACCAGNINO, DENNIS H. REILLEY,  
JOY A. AMUNDSON and STEPHEN H.  
RUSCKOWSKI,

Defendants.

Civil Action No.  
1:14-cv-13308-LTS

ROSENFELD FAMILY FOUNDATION,  
On Behalf of Itself and All Others Similarly  
Situated,

Plaintiffs,

v.

COVIDIEN PLC, JOSE E. ALMEIDA, JOY  
A. AMUNDSON, CRAIG ARNOLD,  
ROBERT H. BRUST, CHRISTOPHER J.  
COUGHLIN, RANDALL J. HOGAN, III,  
DENNIS REILLEY, STEPHEN H.  
RUSCKOWSKI and JOSEPH A.  
ZACCAGNINO,

Defendants.

Civil Action No.  
1:14-cv-13490-LTS

**MOTION OF ROSENFELD FAMILY FOUNDATION AND RONALD W. CHARTRAND  
FOR (1) CONSOLIDATION OF ALL RELATED ACTIONS, (2) APPOINTMENT AS  
CO-LEAD PLAINTIFFS, AND (3) APPROVAL OF THEIR SELECTION OF CO-LEAD  
COUNSEL**

Plaintiff Rosenfeld Family Foundation and movant Ronald W. Chartrand (“Movants”), by and through their counsel, respectfully move this Court for an order: (a) consolidating all related securities class actions filed against defendant Covidien plc (“Covidien” or the “Company”) in connection with the proposed acquisition of the Company by Medtronic, Inc. (“Medtronic”) for all purposes; (b) appointing Rosenfeld Family Foundation and Ronald W. Chartrand as Co-Lead Plaintiffs in the consolidated action; and (c) approving Movants’ selection of WeissLaw LLP and Levi & Korsinky LLP as Co-Lead Counsel for the Class, with Block & Leviton LLP as Liaison Counsel for the Class.

This motion is based on the memorandum of points and authorities and the Declaration of Jason M. Leviton filed concurrently herewith, and the Court’s complete files and records in this action, as well as such further argument as the Court may allow at a hearing on this motion.

**COMPLIANCE WITH LR. 7.1(a)(2)**

This motion is filed pursuant to Section 21D of the Securities Exchange Act of 1934, as amended by the PSLRA. This Section provides that within 60 days after publication of the required notice, any member of the proposed class may apply to the Court to be appointed as lead plaintiff. Plaintiff Joseph Lipovich published notice of the pendency of his action on August 19, 2014. Movants have no way of knowing who, if any, the competing lead plaintiff candidates are at this time.

As a result, Movants' counsel has been unable to conference with opposing counsel as prescribed in LR. 7.1(a)(2), and respectfully requests that the conference requirement be waived only for purposes of this motion.

Respectfully submitted,

**BLOCK & LEVITON, LLP**

DATED: October 20, 2014

By: s/ Jason M. Leviton  
Jason M. Leviton  
Mark A. Delaney  
155 Federal Street, Suite 400  
Boston, MA 02110  
Telephone: (617) 398-5600  
Facsimile: (617) 507-6020  
Jason@blockesq.com  
Mark@blockesq.com

*Proposed Liaison Counsel for the Class*

**WEISSLAU LLP**

Richard A. Acocelli  
Michael A. Rogovin  
Kelly C. Keenan  
1500 Broadway, 16<sup>th</sup> Floor  
New York, New York 10036  
Telephone: (212) 682-3025  
Facsimile: (212) 682-3010  
racocelli@weisslawllp.com  
mrogovin@weisslawllp.com  
kkeenan@weisslawllp

**LEVI & KORSINSKY LLP**

Shannon L. Hopkins  
30 Broad Street, 24<sup>th</sup> Floor  
New York, New York 10004  
Telephone: (212) 363-7500  
Facsimile: (212) 866-367-6510  
shopkins@zlk.com

*Proposed Co-Lead Counsel for the Class*

**CERTIFICATE OF SERVICE**

I hereby certify that this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jason M. Leviton  
Jason M. Leviton